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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

In the Matter of the COMPLAINT of
William Martz and Jane Martz,
as owners of a Nautique vessel,
for Limitation of Liability

Case No. 3:20 CV-00152-SLG

Hon. Sharon L. Gleason

Mag. Judge

COMPLAINT FOR LIMITATION OF LIABILITY
(43 U.S.C.A. § 30511 and Fed. R. Civ. P., Supplemental Rule F)

COMPLAINT FOR LIMITATION OF LIABILITY
In the Matter of Martz, Case No. _____

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COMPLAINT FOR LIMITATION OF LIABILITY

Plaintiffs William Martz and Jane Martz bring this action for limitation of liability.

In support of this action they state as follows:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. Jurisdiction is pursuant to the admiralty and maritime jurisdiction of the United States District Courts, 28 U.S.C.A § 1333.

2. Plaintiffs William Martz and Jane Martz (collectively "Plaintiffs" or the "Owners") are individuals, husband and wife, and residents of the State of Alaska.

3. Plaintiffs are the owners of a recreational vessel, a 21-foot 1998 Correct Craft Air Nautique (the "Nautique"). Plaintiffs' ownership is free and clear of any liens or encumbrances.

4. At all times pertinent hereto the Nautique was present within the State of Alaska, and is so at the present time. Upon information and belief, following a fatal collision as hereinafter set forth, the Nautique was placed in an Alaska State Trooper impound, and remains there today.

5. Venue is proper in the United States District Court for the District of Alaska pursuant to Rule F(9) of the Supplemental Rules of Certain Admiralty and Maritime claims.

6. The Coast Guard has designated Big Lake as “navigable waters under the United States” as defined in 33 CFR § 2.36(a)(1) subject to the Jurisdiction of the United States.

7. On or about June 9, 2018 the Nautique was being operated on Flat Lake, Alaska. Flat Lake is connected to Big Lake, and is a navigable water of the United States.

8. At said place and time the Nautique was being operated by Reagan Martz, Plaintiffs’ adult son. Reagan was not and never has been an owner of the vessel. The Owners were not in privity with Reagan.

9. The Owners were not present at that place and time, and had no knowledge of the events as they occurred at that time.

10. Upon information and belief, at said place and time the Nautique’s voyage terminated when it collided with an inflatable raft being towed by another vessel being operated by Andrew Horazdovsky. Jennifer Horazdovsky received fatal injuries in this collision (the “Collision”).

11. The following claims (the “Claims”) have been brought against the Owners as a result of the Collision:

a. Andrew Horazdovsky, Jennifer’s spouse, has brought suit for his alleged injuries.

b. Andrew Horazdovsky, as personal representative of Jennifer's estate, has brought suit for the estate's alleged injuries.

c. Andrew Horazdovsky, as next friend to minor R.H., has brought suit for the minor's alleged injuries.

The Claims were filed in Alaska Superior Court, Third Judicial District at Anchorage, on or about June 4, 2020. *Horazdovsky v. Martz, et al*, Case number 3AN-20-6488CI. Exhibit 1. Plaintiffs' counsel is Yale Metzger, 101 E. Ninth Ave., Ste 7A, Anchorage, Alaska 99501. The state court Complaint alleges that Flat Lake is a navigable water of the United States and asserts causes of action under Admiralty law of the United States. Exhibit 1, ¶¶ 17 & 18; Counts II, III, IV, V & XIV.

12. The Claims seek damages in excess of \$100,000.

13. Upon information and belief, the claimed damages are substantially in excess of the value of the Nautique, which had no cargo, and whose value Plaintiffs believe to be approximately \$15,000. The Nautique received only minor damage in the Collision.

14. Without admitting liability, Plaintiffs aver that they are entitled to the benefit of limitation of liability as provided in 46 U.S.C.A § 30501 et seq., the Rules for Certain Admiralty and Maritime Claims contained in the Federal Rules of Civil Procedure, and all laws supplementary and amendatory thereto.

15. Fed. R. Civ. P., Supplemental Rule F(1) requires Plaintiffs to deposit costs in such amount as the Court may fix to carry out the provisions of the statute. Local Admiralty Rule (f)-1 sets those costs as One Thousand Dollars (\$1,000.00), unless otherwise ordered by the Court. Upon entry of a Court Order fixing those costs, and directing Plaintiffs to deposit said sum with the clerk of the court, Plaintiffs shall promptly do so.

16. Upon the Court's appointment of a Trustee, Plaintiffs shall deliver to same the title to the Nautique.

WHEREFORE, Plaintiffs respectfully pray that the Court grant them the following relief:

A. Pursuant to Fed. R. Civ. P., Supplemental Rule F(1), appoint a Trustee to take possession of the limitation fund for the benefit of any claimants, and specifically those identified in paragraph 11 of this Complaint, and further ordering Plaintiffs to deliver the Nautique's title to the Trustee and directing the Alaska State Troopers to deliver physical custody of the Nautique to the Trustee;

B. Pursuant to Fed. R. Civ. P., Supplemental Rule F(1) and Local Admiralty Rule (f)-1, enter an Order confirming that the required deposit of costs shall be One Thousand Dollars (\$1,000.00), or such additional amount as the Court shall deem necessary, and directing Plaintiffs to deposit said sum with the clerk of the court;

C. Pursuant to Fed. R. Civ. P., Supplemental Rule F(3), rule that, upon Plaintiffs' delivery of the Nautique's title to the Trustee, and deposit of the security and costs described in paragraphs B and C, all claims against the Plaintiffs and the Plaintiffs' property with respect to the matter in question shall cease;

D. Pursuant to Fed. R. Civ. P., Supplemental Rule F(3), enjoin the further prosecution of any action or proceeding against the Plaintiffs or the Plaintiffs' property with respect to any claim subject to limitation in this action, and specifically including the claims identified in paragraph 10 of this Complaint;

E. Pursuant to Fed. R. Civ. P., Supplemental Rule F(4), issue a notice to all persons asserting claims with respect to which the Complaint seeks limitation, admonishing them to file their respective claims with the Clerk of the Court and to serve on the attorneys for the Plaintiffs a copy thereof on or before a date to be named in the notice;

F. Adjudge that Plaintiffs' liability be limited to the value of Plaintiffs' interest in the Nautique, and that its value be divided *pro rata* among the claimants;

G. Enter a final Judgment discharging Plaintiffs from any and all further liability and forever permanently enjoining and prohibiting the filing or prosecution of any claims against Plaintiffs or their property in consequence of or in connection with the matters and happenings referred to in this Complaint; and

H. Grant Plaintiffs such other and further relief as the Court deems equitable and just.

DATED this 24th day of June, 2020, at Anchorage, Alaska.

POPE & KATCHER
Attorneys for Plaintiffs

/s/ Jonathon A. Katcher
Jonathon A. Katcher
Alaska Bar No. 8111104

DATED this 24th day of June, 2020, at Troy, Michigan.

pending admission *Pro Hac Vice*
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